wife who had been deserted for two years or more by her husband to petition for divorce in the province in which she was domiciled at the time of the desertion. Before this measure, since the domicile of a married woman is in law that of her husband, the deserted wife had to petition in the province or country in which her deserting husband was then domiciled. In the same year, Parliament granted to the Supreme Court of Ontario jurisdiction to decree dissolution and annulment of marriage in accordance with the law of England as it existed on July 15, 1870. This gave Ontario its first divorce law.

The fourth Act of Parliament, passed in 1937, regularized a curious situation that had arisen in British Columbia. By the 1857 Act, divorce cases in England have been heard by three judges from whom there was an appeal to the House of Lords. But when the laws of England were introduced into British Columbia, the powers exercised by three judges in England were granted to a single judge in British Columbia and no provision was made for appeal. Consequently, it was held that there was no right of appeal from a single judge in British Columbia when either granting or refusing a divorce. The *British Columbia Divorce Appeals Act* of 1937 of the Dominion Parliament conferred the right of appeal in divorce cases to the Court of Appeal of British Columbia.

The last and most recent Act to be passed by Parliament on the subject of Divorce was the *Dissolution and Annulment of Marriages Act* of 1963. This Act provided a new procedure for the granting of Parliamentary Divorces. Before the importance of this Act can be considered, it is necessary to look more closely at Parliamentary divorce.

2. *Parliamentary Divorce*

A Parliamentary divorce is procured by the passage of a private Act of Parliament dissolving a particular marriage. Parliament, as the supreme legislative power, has the right to exempt persons from the application of specified laws of the country, if it sees fit to do so. The Parliament of the United Kingdom granted divorces by private Act of Parliament long before the establishment of the English Divorce Courts in 1857. Thus, although marriages were otherwise indissoluble under the ordinary law, Parliament made exceptions in specific instances. The preamble of the British North America Act indicates the intention of the federating provinces to have a constitution "similar in principle to that of the United Kingdom." Accordingly, the Parliament of Canada exercised after Confederation a jurisdiction similar to that of the English Parliament. The Parliament of Canada is the only legislative body in Canada with authority to pass private divorce Acts, since it alone has jurisdiction in matters of "Marriage and Divorce".

The existence of parliamentary divorce has met the need of persons domiciled in provinces which lack divorce courts, to obtain dissolutions of marriage. Thus, although residents of Quebec and Newfoundland, and prior to 1930, of Ontario, have been unable to seek relief in the courts of their provinces, they have been able to appeal to Parliament. While Parliament has not imposed an unwanted divorce jurisdiction on the courts of those provinces not seeking it, it has not prevented the residents of those provinces from obtaining divorces.

Theoretically, the jurisdiction of Parliament in granting parliamentary divorce is quite unfettered. It has power to grant a dissolution of marriage to any petitioner domiciled in Canada and for any cause or for no cause at all, as it may see fit. However, Parliament has not exercised its wide jurisdiction to the full.